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Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**GOOGLE'S OBJECTION TO ORACLE'S
RESPONSES TO GOOGLE'S PROPOSED
FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William Alsup

1 Defendant Google Inc. (“Google”) hereby objects to Oracle’s Responses to Google’s
2 Proposed Findings of Fact and Conclusions of Law [Dkt. 1081] (“Oracle’s Responses”). The
3 Court should direct Oracle to conform its Responses to the format and page limit required by the
4 Court’s April 24, 2012 Order Regarding Proposed Findings of Fact and Conclusions of Law Re
5 All Issues of Fact and Law That Must be Resolved by the Judge, Including Scope of Protection of
6 the Copyrights (the “Order”) [Dkt. 968].

7 In the Order, the Court instructed the parties to provide numbered findings of fact, double-
8 spaced, followed by single-spaced trial record cites supporting the proposed finding. Both parties
9 followed this format. The Court also instructed each party to file a response to the other party’s
10 proposed findings and conclusions. The Court ordered that the responses “should reproduce each
11 original finding and conclusion, and then, immediately after each, supply the responsive
12 information. It may not exceed twice the overall number of pages used by the submission to
13 which it responds.” The purpose here is straightforward: to include all relevant information
14 relating to each party’s proposed findings and conclusions in one document. The Court would
15 then have one document with Google’s findings and conclusions (including Google’s supporting
16 evidence and authorities) and Oracle’s responses (including Oracle’s supporting evidence and
17 authorities), with half of the space devoted to Google’s position, and half to Oracle’s position.
18 The Court would have a similar document for Oracle’s findings and conclusions. Google
19 provided such a document in its responses to Oracle’s proposed findings and conclusions. Dkt.
20 1079.

21 Instead of simply “reproduc[ing]” Google’s proposed findings and conclusions, together
22 with Google’s evidence and authorities, Oracle deleted all of Google’s record citations, excerpts,
23 and case authority and converted Google’s proposed findings and conclusions to single-spaced
24 type. This reduced Google’s 35 pages of proposed findings and conclusions to 12 pages.
25 Nevertheless, Oracle’s Responses were 70 pages long. Thus, instead of the 35 pages to which it
26 was entitled, Oracle gave itself a **58-page** response. In addition to allowing Oracle extra space,
27 Oracle’s strategy allows it to criticize Google for not citing on-point evidence when the very
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1 quotes omitted by Oracle often provided just that evidence.

2 For these reasons, Google objects to Oracle's Responses. The Court should direct Oracle
3 to file revised responses in compliance with the Court's order.

4 Dated: May 7, 2012

KEKER & VAN NEST LLP

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6 By: /s/ Robert A. Van Nest
ROBERT A. VAN NEST

7 Attorneys for Defendant
8 GOOGLE INC.